

REMARKS

Claims 1, 2, 5, 6, 8-44, 47-54, 56-70, 73-93, 95, and 96 are pending in the application for the Examiner's review and consideration. Claims 1, 44, and 70 were amended to further clarify the invention.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1 and 70 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Japanese Patent No. 2,131,387 ("387"). Applicants respectfully traverse and obviate the rejection.

On page 2 of the Office Action, it is alleged that the present invention is anticipated by the '387 reference. As the Examiner is no doubt aware, to anticipate a claim, each and every element of the claim must be disclosed in a single prior art reference. The '387 reference does not disclose each and every limitation of the present invention. Specifically, the '387 reference does not disclose a fabric care composition comprising, among other ingredients, an antimicrobial active.

Claims 1 and 70, as amended, disclose compositions and/or methods that disclose, among other ingredients, an antimicrobial active. The '387 reference does not disclose or even suggest the presence of an antimicrobial active. Thus, the '387 reference does not disclose each and every limitation of the claim. Because each and every element of the claim has not been disclosed in a single prior art reference, Applicants respectfully request that the rejection made under 35 U.S.C. §102(b) be reconsidered and withdrawn.

Claims 1, 44, and 70 were rejected under 35 U.S.C. §102(a) as being allegedly anticipated by United States Patent No. 5,885,306 ("306"). Applicants respectfully traverse and obviate the rejection.

On pages 2-3 of the Office Action, it is alleged that the present invention is anticipated by the '306 reference. As the Examiner is no doubt aware, to anticipate a claim, each and every element of the claim must be disclosed in a single prior art reference. The '306 reference does not disclose each and every limitation of the present invention. Specifically, the '306 reference does not disclose a fabric care composition comprising, among other ingredients, an antimicrobial active.

Claims 1, 44, and 70, as amended, discloses articles, compositions, and/or methods that disclose, among other ingredients, an antimicrobial active. The '306 reference does not disclose or even suggest the presence of an antimicrobial active. Thus, the '306 reference does not disclose each and every limitation of the claim. Because each and every element of the claim has not been disclosed in a single prior art reference, Applicants respectfully request that the rejection made under 35 U.S.C. §102(a) be reconsidered and withdrawn.

Claims 1, 4, 44, and 70 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Japanese Patent No. 6,184,943 ("943"). Applicants respectfully traverse and obviate the rejection.

On page 4 of the Office Action, it alleges that "an example of such a sizing composition comprises 5% cationized pullulan, 0.5% ethoxylated alcohol, and 0.4% cationic surfactant. Applicants have amended claims 1, 44, and 70 to include, among other elements from about 0.1% to about 2% of a fabric care polysaccharide with globular structure and having a backbone comprising at least some 1, 3- β -glycosidic linkages. The '943 reference does not disclose or even suggest the presence of an antimicrobial active. Thus, the '943 reference does not disclose each and every limitation of the claim. Because each and every element of the claim has not been disclosed in a single prior art reference, Applicants respectfully request that the rejection made under 35 U.S.C. §102(b) be reconsidered and withdrawn.

Claim 1 was rejected under 35 U.S.C. §102(e) as being allegedly anticipated by United States Patent No. 5,914,443 ("443"). Applicants respectfully traverse and obviate the rejection.

On page 4 of the Office Action, it is alleged that the present invention is anticipated by the '443 reference. As the Examiner is no doubt aware, to anticipate a claim, each and every element of the claim must be disclosed in a single prior art reference. The '443 reference does not disclose each and every limitation of the present invention. Specifically, the '443 reference does not disclose a fabric care composition comprising, among other ingredients, an antimicrobial active.

Claim 1, as amended, discloses articles, compositions, and/or methods that disclose, among other ingredients, an antimicrobial active. The '443 reference does not disclose or even suggest the presence of an antimicrobial active. Thus, the '443 reference does not disclose each and every limitation of the claim. Because each and every element of the claim has not been disclosed in a single prior art reference, Applicants respectfully request that the rejection made under 35 U.S.C. §102(e) be reconsidered and withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 1, 2, 5, 6, 8-44, 47-54, 56-70, 73-93, 95, and 96 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over United States Patent No. 6,290,978 to Mak *et al.* ("978"). Applicants respectfully traverse and obviate the rejection.

The Office Action alleges that it would have been obvious to one of ordinary skill in the art to incorporate the compositions of the '978 reference in a fabric conditioner or cleaner. Applicants respectfully submit that the '978 reference does not disclose or suggest each and every limitation of the present invention. The compositions of the present invention include, among other ingredients, a perfume. The '978 reference does not disclose or even suggest compositions containing a perfume.

Further, Applicants submit that there would be no motivation to use the compositions of the '978 reference. The '978 reference discloses personal care compositions utilizing arabinogalactan. While the '978 reference does allegedly suggest that arabinogalactans may be used in fabric softeners (col. 9, line 62), there is absolutely no disclosure or teaching as to how to formulate a fabric softener with arabinogalactan, moreover the compositions of the present invention. The '978 reference merely makes this statement along with a "laundry list" of other products that are allegedly useful with the '978 reference, including paper, retention aids, flocculants, antistatic agents, water treatment chemical additives, surfactants, antimicrobial agents, corrosion inhibitors, crude oil demulsifiers, textile sizing, coatings, and electroplating. *See, e.g.*, the '978 reference, col. 9, lines 58-65. There are absolutely no compositions or descriptions on how to make and or use arabinogalactans for any of these compositions and no motivation as to why one would want to use these compositions in those areas. Thus, the '978 reference does not disclose or suggest each and every limitation of the present invention. Applicants respectfully submit that the rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

With regard to all claims not specifically mentioned, these are believed to be allowable not only in view of their dependency on their respective base claims and any intervening claims, but also for the totality of features recited therein.

All claims are believed to be in condition for allowance. Should the Examiner disagree, Applicants respectfully invite the Examiner to contact the undersigned attorney for Applicants to arrange for a telephonic interview in an effort to expedite the prosecution of this matter.

CONCLUSION

In view of the foregoing amendments and accompanying remarks, reconsideration of the application and allowance of all claims are respectfully requested. A fee for a three month extension of time is believed due. Please charge any required fees to Procter & Gamble Deposit Account No. 16-2480.

Respectfully submitted,

By 

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